IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 57 OF 2005

IN

SUIT NO. 6908 OF 1999

SMT. RAMABAI P. GOPE ... PETITIONER.

VS.

LAXMAN D. BHATE & ORS. ... RESPONDENTS.

MR. R.R.AROLKAR FOR THE PETITIONER.

MR. Y.R.SHAH FOR THE RESPONDENT NOS. 1 TO 6.

CORAM : S.K.Shah, J.
DATE : August 19, 2005

P.C. :

1. This contempt petition is taken out by the Plaintiff, alleging that the Respondents have committed breach of the Order passed by this Court on 22nd December,1993. The Order, dated 22nd December,1993 mentions that the Advocate for the Defendant (Respondents therein) made a statement that the defendant will not sell, transfer or alienate or create any third party right, title or interest in respect of the Suit properties. The Statement was accepted.

2. The allegation now made is that the property bearing CTS No. 94(A), situated at Versova, Taluka

Andheri (West), Mumbai is a Suit property and a third party interest is created in it by the Respondent No.1. The allegation made, is on the basis of an affidavit filed by the Respondent No.1 before the Bank Authorities. The Respondent No. 1 has filed an affidavit-in-reply, explaining that he has not created any third party right in favour of his daughter and that he continues to be in possession of the said property.

3. The learned Counsel for the Respondent No.1 further makes a statement that the Respondent No.1 has been in possession of the said property, namely, CTS No. 94(A) and has not created any 3rd party right in respect thereof and will not create any third party right in future, as per the undertaking given before the Court in the Suit.

4. With this statement, nothing survives in this Petition. The Contempt Petition stands disposed of accordingly.

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[S.K.Shah, J.]